APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,441	12/29/2003	Bennett Cookson JR.	019404-001200	2382

20350   7590   01/29/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
01/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/748,441	COOKSON ET AL.
	Examiner	Art Unit
	Nikolai A. Gishnock	3715	

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED <u>08 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>Rejection of claim 15 under 35 USC 112, ¶ 2.</u>

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>1-41</u>.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20090121

Continuation of 11. does NOT place the application in condition for allowance because: The Applicants state at pages 2-4 that Huff does not teach "identifying pairs of records having similar data; for each identified pair of individual node records, comparing related individual node records and deciding based on predetermined criteria whether the identified pair of individual node records represent the same person," or that node records are related to pairs of records having similar data are compared. Applicants assert that Examiner's proffered references to Huff at Para. 0123 and 0164 does not teach comparing related node records and using predetermined criteria to assess pairs of records having similar data to determine whether the original records represent the same person. Applicant's entire argument is that the previous Office Action makes "unsupportable assertions" to arrive at the rejection, and improperly summarizes the claim as "understood to be identifying records having similar data."; that the Office Action takes the unjustifiable position that "the names and numbers of such spousal and child links are 'predetermined criteria', due to the fact that they are previously entered; further, that the method of performing such subsequent analysis is itself 'predetermined criteria;'" the Office Action takes the unjustifiable position that "the names and numbers of such spousal and child links are 'predetermined criteria', due to the fact that they are previously entered; further, that the method of performing such subsequent analysis is itself 'predetermined criteria'." The Applicants further maintain that claims 29 and 39 are allowable because Huff does not teach "perform[ing] a relationship analysis to infer relationships among persona records using the assertions of the persona records; if a relationship is inferred, assign at least one relationship type to the relationship between the records.", and that Examiner's position that Huff's checking is understood to be inferring a relationship between two records, that is, determining if they represent the same person" is an unsupportable summarization of Huff's checking; further that Huff does not teach assigning an "equality" relationship type to the relationship.

In regards to the rejection of claims 1, 15, & 39 under 35 USC 102(b) in view of Huff have been fully considered but they are not persuasive. However, Huff teaches comparing records to determine whether they represent the same person, understood to be identifying records having similar data; the data being a person's surname, among others; for each such record that may indicate the same person (as parents and children may have the same name, i.e., juniors), the spouses and children records linked to the identified records are in turn analyzed and counted, to verify duplicity. Examiner's position is that the names and numbers of such spousal and child links are "predetermined criteria", due to the fact that they are previously entered; further, that the method of performing such subsequent analysis is itself "predetermined criteria". Thus, Huff appears to disclose all the limitations of the claim; therefore Applicant's argument is not convincing.

At paragraphs 0164, 0098, and 0164, Huff discusses checks that take place prior to deleting a record by replacing it with another; that this is not inferring a relationship between the records; further that at paragraph 0098, there is no reference to the relationship inferred in the above process; at paragraph 0164, so anything that takes place as described in paragraph 0098 is not based on whether the relationship is inferred. However, Huff's checking is understood to be inferring a relationship between two records, that is, determining if they represent the same person; based on the connecting data of spouses and children, and counting the number of such relations, understood to be assertions of the person's records; and further, if determining that the records do, in fact, represent the same person; linking the records to minimize duplications; this being assigning an "equality" relationship type between records. Thus, Examiner's position is that all of the limitations of the claim are disclosed by Huff; thus, Applicant's arguments are not persuasive.

Examiner's position is that Huff clearly teaches where "predetermined criteria" is used to decide whether the identified pair of individual node records represents the same person, because Applicant never claims what the criteria are. Applicant is thus reading limitations into the claim that are not there. Furthermore, Applicant's predetermined criteria is disclosed as being a probability P(s) that two records are the same. Specification at pages 10-11, Para. 0038. P(s) appears to be calculated by analyzing data in the database records of the two records being compared. Correspondingly, Huff teaches counting the record connections of the old name to be deleted and the name to replace it. The connections must have the same number of links to require a deletion (which, because Huff uses shadow deletions, is assigning an "equality" relationship to the records), at para. 0164. Huff is thus reasonably understood to use Applicant's disclosed step of having some predefined probability that, in view of other incidental data in the two records, the two records represent the same person. Applicant's argument is thus unconvincing.

Huff clearly teaches performing a relationship analysis to infer relationships among persona records using the assertions of the records in Para. 0164 (Before the record is stored in the database and the indicator is set on, the computer first counts the connections of the old name to be deleted. It then counts the connections of the name to replace it. The new name must have at least as many links backward (plus spouse and children--sideways and forward) as does the old name. To limit search time, the search on the new name need only go back far enough to show that it is equal to or greater then the old name); and assigning the relationship types to the relationship between records if a relationship is inferred at Para. 0098 (The central server database is also represented. Two or more sections labeled "Publisher Submission--Basic Data on Individuals" provide space to store the main tables of information about individuals. Submission Linking Space represents storage of the submission internal name-linking records. These records comprise a person-identifying number, a code showing his or her relationship to another person, and the number of that other person. There is one record for each relationship between one person and another). Huff is thus understood to count the spouses and children records linked to a plurality of name records to test whether the records represent the same person, and assigning a code showing the person's relationship to another person and a code representing that person's record. Thus, Huff anticipates the limitation, and so the argument is not persuasive.